



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,910	10/20/2003	Kunikazu Ohnishi	62807-145	2266

7590 07/19/2007
McDermott, Will & Emery
600, 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

GOMA, TAWFIK A

ART UNIT	PAPER NUMBER
----------	--------------

2627

MAIL DATE	DELIVERY MODE
-----------	---------------

07/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,910

Applicant(s)

OHNISHI ET AL.

Examiner

Tawfik Goma

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 is/are allowed.
- 6) ☒ Claim(s) 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/29/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the amendment filed on 5/29/2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama (US 6202164) in view of Kumagi al (US 6594210).

Regarding claim 4, Katayama discloses an optical information recording/reproducing apparatus comprising: an optical pickup including a laser light source (1, fig. 1), a beam separation means which separates a laser beam emitted by the laser light source into a main beam and at least two sub beams (19a, 19b, 19c, fig. 8), a converging optical system which converges the main beam and the sub beams and forms three separate convergence spots on a recording surface of an optical information record medium on which guide grooves are formed at preset pitches (fig. 8), and a photodetector which is placed to receive each of reflected beams of the three convergence spots from the optical information record medium with a photoreceptor surface divided into at least two faces (8b, fig. 9); a push-pull signal generation circuit which generates push-pull signals regarding the main beam and the sub beams respectively by executing proper operations to photoelectric signals obtained from the photoreceptor surfaces of the optical pickup (col. 11 lines 29-43); a differential push-pull signal generation circuit which generates a differential push-pull signal by adding

Art Unit: 2627

all or part of the push-pull signals regarding the sub beams together (col. 11 lines 34-36), amplifying the added signal by an amplification factor K, and subtracting the amplified signal from the push-pull signal regarding the main beam (col. 11 lines 34-36). Katayama fails to disclose an amplification factor control means which changes the amplification factor K depending on the interval between the guide grooves of the optical information record medium. In the same field of endeavor Kumagi discloses a 3 beam optical pickup that has a coefficient controlling unit (43a, 43b, figs. 2) for adjusting a gain factor depending on the interval between the guide grooves of the optical information record medium (col. 16 lines 39-45). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the optical pickup disclosed by Katayama with the coefficient control taught by Kumagi. The rationale is as follows: One of ordinary skill in the art at the time of the applicant's invention would have been motivated to control the coefficient K based on an interval of the guide grooves in order apply the pickup device to various disk drives which receive different formats of discs (see Kumagai col. 16 lines 39-45).

Allowable Subject Matter

Claims 1-3 are allowed.

Claims 1-3 are allowed over the prior art of record including closest US Patents Katayama (US 6282164) and Holzapfel (US 5994692), considered individually or in combination, fail to disclose or fairly teach an optical pickup and an optical information recording/reproducing apparatus including the combination of a the beam separation means is divided into at least three areas, first through third areas, each of which has prescribed periodic structure, and the first area is placed between the second and third

areas, and the second area has periodic structure that is shifted from that of the first area by approximately 90° in the phase of the periodic structure, and the third area has periodic structure that is shifted from that of the second area by approximately 180° in the phase of the periodic structure.

Response to Arguments

Applicant's arguments, see pages 3-5, filed 5/29/2007, with respect to claims 1-3 have been fully considered and are persuasive. The previous of 35 U.S.C. 103 (a) rejection has been withdrawn.

Applicant's arguments with respect to claim 4 have been fully considered but they are not persuasive. Applicant's argument that Kumagai fails to disclose changing the amplification factor K depending on the interval of the guide grooves is not persuasive because Kumagai clearly discloses gain control circuits (43a, 43b, fig. 2) which are used to adjust the gain in advance based on the pitch of the tracks, which is equivalent to interval between guide grooves (col. 16 lines 29-45). Kumagai clearly changes the gain of the system based on the pitch of the tracks as disclosed in order to apply the device to various types of disk drive apparatuses.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miyamoto et al (US 5835471) discloses an optical information recording/reproducing device which includes a diffraction grating that has at least three regions whose patterns are out of phase with one another.

Art Unit: 2627

Shimano et al (US 2002/0150008) discloses an information reproducing apparatus including a diffraction grating with three areas wherein the middle area is phase shifted from the outside two areas by 180°.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tawfik Goma whose telephone number is (571) 272-4206. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/Tawfik Goma/
7/13/2007

/William R. Korzuch/

SPE, Art Unit 2627